

GOVERNMENT OF ANDHRA PRADESH
REVENUE (ENDTS.II) DEPARTMENT

Endowments Department – Krishna District, Vijayawada Town – Sale of land measuring Ac. 8.60 Cents in R.S.No.138 at Gunadala Village belonging to Sri Sankara Math – Regularization of transaction – Permission accorded under Sec.74 of the Act 17/66 – Cancelled – Orders – Issued.

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REVENUE (ENDTS.II) DEPARTMENT

G.O.RT.No. 385

Dated:05.05.2015

Read the following :-

1. G.O.Rt.No.1494, Rev.(Endts.IV) Dept., Dt.17.10.1985.
2. From Commissioner, Endowments Lr. Rc.No.L3/10561/2005, dt.26-05-2005.
3. Orders of Hon'ble High Court dt.7.6.2005 in W.P.MP.No.15055/2005 in W.P.No.11812/2005,
4. Opinion No.144/2005, Dt.5.2.2007/83 of Advocate General, High Court of A.P., Hyderabad.
5. Govt. Memo.No.25452/Endts.IV(1)/2005-3, Dt.13.03.2007.
6. From CED Lr.Rc.No.LL2/10561/2005, Dt.14.05.2008.
7. From Commissioner, Endowments, Lr.Rc.No.L1/10561/2005, Dt.29.09.2014

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ORDER

In the reference 1st read above, the Government accorded permission under section 74 (1) (c) of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1966 (Act 17 of 1966) to sell the land measuring an extent of Ac.8.60 cts in R.S.No.138 at Gunadala, Vijayawada, Krishna District belonging to Sri Sankara Math for a sum Rs.1 Lakh by way of Private Negotiations as a Special case in favour of Sri Nuthakki Poornachandra Rao.

2. In the reference 2nd read above, the Commissioner, Endowments has informed that due to delay in getting the permission from the Urban Land Ceiling, the said land could not be registered in favour of the individual since 1985 and requested the Government to pass appropriate orders on the request of the individual to get the sale deed registered in his favour and his nominees with an interest of 12% Per Annum on the balance amount of Rs.15,000/-.

3. In the reference 5th read above, the land being costly land, the CED was advised to obtain the considered opinion of the learned Advocate General on the proposal for registering the lands belonging to Mutt concerned in favour of Sri N. Poorna Chandra Rao and his nominees in the light of High Court Stay orders Dt.7.06.2005 in W.P.M.P.No.15055 of 2005 in W.P. No.11812/2005 and submit proposals to the Government

4. The Hon'ble High Court in their orders dt.7.6.2005 in W.P.MP.No.15055/2005 in W.P.No.11812/2005, has directed that "No sales of Endowments lands shall be effected without the permission of the Court till further orders. No compromises shall be effected under Section 89 till further orders from this court with respect to Endowments lands".

5. In the reference 4th read above, the learned Advocate General opined that – "it would be in public interest, as well as in consonance with the provisions of Section 82 of the Endowments Act 30/87 to rescind G.O.MS No.1494, dt:17.10.1985, since such an action results in civil consequences and takes away certain vested rights of the Agreement holder as well as Sangham, and opined that a show-cause notice has to be necessarily issued to the agreement holder and sangham before rescinding the said GO.

6. In the reference 6th read above, the Commissioner, Endowments Department has issued Show Cause Notices to Sri N.Poorna Chandra Rao and his nominees and also to Sringeri Shankar Math, Vijayawada with the following reasons for cancellation of the G.O.Rt.No.1494, Revenue (Endts.IV) Dept, Dt.17.10.1985

- i. According to section 74 (1) (a) of the Act 1966 (i.e., under Repealed Act 17 /1966), the sale agreement was effected between the trustee of the subject Mutt and Sri N.Purnachandra Rao is null and void, as there is no prior permission from the Commissioner.

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- ii) The said sale agreement was not registered as per Registration Act and it is also un-stamped agreement.
- iii) However, after receipt of the Government order vide G.O.Rt.No.1494 Revenue (Endts.IV), Department Dt.17.10.1985, Sri N.Purnchandra Rao had a pay the entire sale proceedings to the institutions within stipulated time. But he had not done is so far.
- iv) According to the G.O.Rt.No.1494, Revenue (Endts.IV) Dept., dt.17.10.1985 there is only sale permission of the land in question and there is no other conditions.
- v) The G.O.Rt.No.1494 was issued in the year 1985, no further representation was received from his end up to 2005 mentioned in the reference 1st cited.
- vi) The land in question is physically under possession of Sri N.Purnachandra Rao since 1974 without having any lease orders or registration in his favour. He has become an illegal occupant of the property.
- vii) Sri N.Purnachandra Rao has to pay maktha/damages for use and occupation of the property. But the said maktha/damages for use and occupation of the land are not being paid by him. Thus he became encroacher of the property.
- viii) While the matter is stood thus, the A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987 is come into force. When the new Act is come into force the previously unsettled matter are also re-examined with reference to the New Act. Hence Sri N.Purnachandra Rao ought to have put a representation at that time. But, he had not done it.
- ix) According to the G.O.Ms.No.379, Dt.11.3.2003 Sri N.Purnachandra Rao has also not come under land less poor. If he had any tenancy rights this also stood cancelled.
- x) The said sale transaction is not beneficial to the institutions and the said land in question is very valuable land.
- xi) The receipt for an amount of Rs.85,000/- issued by the authorities of Mutt has not been submitted by Sri N.Purnachandra Rao so far along with his representation.
- xii) Since the land is situated within the urban agglomeration area of Vijayawada, the sale is not legal as per the provisions of the Act.

7. The Dharamadikari Sringeri Shankar Math, Vijayawada has submitted his reply to the show cause notice vide his Letter Dt.19.4.2008 to the Commissioner, Endowments stating that it is his bounden duty to implement the appropriate orders issued by the Government in the matter.

8. The Agreement Holder viz., Sri N.Poorna Chandra Rao in his replies dt.17.3.2008 submitted to the Commissioner, Endowments has stated that the sale is legal as per the provisions of Act and it cannot be cancelled and therefore requested to register the said land in his favour.

9. Government after careful examination observe that;

- a) the sale transaction was not completed before 7-6-2005. The Hon'ble High Court in their orders dt.7.6.2005 W.P.MP.No.15055/2005 in W.P.No.11812/2005 has directed that no sale of Endowments lands shall be effected without the permission of the Court till further orders. No compromises shall be effected under Section 89 till further orders from this court with respect to Endowments lands.

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- b) there is no permission from Commissioner, Endowments for executing the sale deed by the Dharmadhikari, Sankar Math, Vijayawada on 17-4-2014 in favour of Noothakki Poornachandra Rao vide document No.2099/2014 at Sub-Registrar Office, Gunadala for a consideration of Rs.6,15,000/- for an extent of 5,000 Sq. Yds in R.s. No.138 out of Ac.8.60 Cts. Thus the so called sale is abinitio null and void.

10. In the circumstances explained above, and after careful examination of the proposal of Commissioner, Endowment's report in the reference 7th read above, Government hereby cancel the G.O.Rt.No.1494, Rev.(Endts.IV) Dept., Dt.17.10.1985.

11. The Commissioner Endowments Department, Hyderabad shall take further necessary action to take back the land of Sankara Math, Vijayawada and protect it immediately..

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

J.S.V. PRASAD
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Commissioner, Endowments Department, A.P., Hyderabad.
The Assistant Commissioner, Endowments Department, Vijayawada.
Dharamadhikari Sringeri Shankar Math, Vijayawada through Commissioner,
Endowments Department, A.P., Hyderabad.
Sri N.Poorna Chandra Rao, through Commissioner, Endowments Department, A.P.,
Hyderabad.
Copy to P.S. to M(Endts.)

//Forwarded :: By order //

SECTION OFFICER